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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,437	11/20/2003	Carolyn Batts-Gowins		9836

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EXAMINER

PATEL, RAJNIKANT B

ART UNIT	PAPER NUMBER
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2838

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,437

Applicant(s)

BATTS-GOWINS, CAROLYN

Examiner

Rajnikant B. Patel

Art Unit

2838

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/12/06 have been fully considered but they are not persuasive. Because when as in instant case the patent office find, in the word of U.S.C. 103, "differences between the subject matter sought to be patented and prior art," it may not, without some basis in the logic of scientific principle, merely allege that such differences are either obvious or of no patentable significance and there by force an appellant to prove conclusively that it is wrong. Such is not and never has been the rule relating to burden of proof in this court. What proof an applicant must offer to overcome a position of the Patent office supporting a rejection can be determined only on the basis of the facts in any particular case. In the instant case, however, the office position relating to the alleged obviousness of the differences which exist between the claimed invention and the prior art seems to us to be founded both on logic and sound scientific principle. We find that appellant failed to rebut this position. In re Soil, 137 USPQ 797(CCPA1963).

In re Rinehart, 189 USPQ 143 (CCPA 1976)

A prima facie case of obviousness is established when the teachings prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640,

176 USPQ 300 (CCPA 1973). One cannot show non-obviousness by attacking the references individually where the rejection is based on a combination of references. In re Young, 159 USPQ 725 (CCPA 1968).

A reference is to be considered not only for what it expressly states, but for what it would reasonably have suggested to one of the ordinary skill in the art. In re DeLisle, 160 USPQ 806 (CCPA 1969). The test for obviousness under 35 U.S.C. 103 is not the express suggestion of the claimed invention in any or all of the reference but what the references taken collectively would suggest.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prelec et al. (U.S. Patent # 5,793,185) in combination with Crass et al. (U.S. Patent # 6,252,378).

Prelec et al. disclose the claimed invention a multiple use electrical distribution device (figure 1-5), at least one rechargeable storage unit (figure 4, item 9), at least one standard 110 V outlet receive an electrical plug (figure 4, item 3), a jumper cable.

However Prelec et al. does not disclose the utilization of the technique for a clock circuit and the LED display and a timer. Crass et al. teaches the utilization of the similar technique for a clock circuit and the LED display and a timer (figure 1, item 45 and 31 respectively). It would have been obvious one having an ordinary skill in the art at the time invention was made to modify Prelec et al. jump start device by utilizing the technique taught by Crass et al. for the purpose of increasing efficiency of the jump start device.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prelec et al. (U.S. Patent # 5,793,185) in combination with Crass et al. (UIS. Patent # 6,252,378) and further in combinations with Johnson (U. S. Patent # 5,111,127).

Prelec et al. in combination with Cress et al. disclose the claimed invention as explained in the claims 1-2 and 4, above except the utilization of the technique for solar panel unit. Johnson teaches the utilization of the similar technique for solar panel unit (50,51 and 57). It would have been obvious one having an ordinary skill in the art at the time the invention was made to modify Prelec et al. in combination with Cress et al.'s portable power supply by utilizing the technique taught by Johnson for the purpose of saving electricity and increasing battery life.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajnikant B. Patel whose telephone number is 571-272-2082. The examiner can normally be reached on 6.30-5.00; m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rajnikant B Patel/
Primary Examiner, Art Unit 2838

Rajnikant B Patel
Primary Examiner
Art Unit 2838
